

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carter Garfield	Team: Squad #10	CCRB Case #: 202101666	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/13/2021 10:00 PM	Location of Incident: In front of 517 Longfellow Avenue	18 Mo. SOL 9/13/2022	Precinct: 41		
Date/Time CV Reported Mon, 03/15/2021 1:58 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 03/15/2021 1:58 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Louis Guglielmo	00489	930285	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO William Conklin	03651	963464	041 PCT
2. PO John Achnitz	22153	968914	041 PCT
3. PO Jonathan Pagan	03338	961989	041 PCT
4. PO Richard Ruiz	18806	962071	041 PCT
5. PO Bryan Jones	04010	964577	041 PCT
6. PO Brandon Roman	25440	967306	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Louis Guglielmo	Abuse: Sergeant Louis Guglielmo seized § 87(2)(b) s property.	
B.SGT Louis Guglielmo	Abuse: Sergeant Louis Guglielmo threatened to arrest § 87(2)(b)	
C.SGT Louis Guglielmo	Discourtesy: Sergeant Louis Guglielmo spoke discourteously to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

## Case Summary

On March 15, 2021, § 87(2)(b) filed this complaint via the CCRB website on behalf of himself and unknown individuals. § 87(2)(g)

On March 13, 2021, at approximately 10:00 p.m., § 87(2)(b) was with a group of individuals outside of 517 Longfellow Avenue in the Bronx when Sgt. Louis Guglielmo, PO William Conklin, PO John Achnitz, PO Richard Ruiz, PO Bryan Jones, PO Jonathan Pagan, and PO Brandon Roman, all of the 41<sup>st</sup> Precinct, responded to the location.

Sgt. Guglielmo oversaw the towing of an unknown individual's vehicle (**Allegation A: Abuse of Authority – Seizure of property**, § 87(2)(g)). Sgt. Guglielmo said to this individual, "This will go to the D.A.'s office when I put you under arrest" (**Allegation B: Abuse of Authority – Threat of arrest**, § 87(2)(g)). He then said to the same individual, "You got it, pal. I got plenty of fucking handcuffs" (**Allegation C: Discourtesy – Word**, § 87(2)(g)). Officers then left the area.

§ 87(4-b) § 87(2)(g)

PO Achnitz issued the unknown individual a summons. No arrests were made. There is BWC footage from Sgt. Guglielmo, PO Conklin, PO Achnitz, PO Ruiz, PO Jones, PO Pagan, and PO Roman (**BRs 05-24**). Relevant portions will be discussed below.

## Findings and Recommendations

### **Allegation (A) Abuse of Authority: Sergeant Louis Guglielmo seized § 87(2)(b)'s property.**

§ 87(2)(b) provided an intake (**BR 01**) and phone (**BR 02**) statement to the CCRB. He consistently stated that Sgt. Guglielmo ordered officers to issue summons to vehicles on scene that were legally parked. He did not mention officers towing any vehicles. In his phone statement, § 87(2)(b) said that he had been hanging out with several people outside of 517 Longfellow Avenue all day. There were two cars parked on the street outside that were playing music loudly from their cars. Additional officers arrived on scene, and Sgt. Guglielmo ordered them to issue summonses to the cars parked outside.

§ 87(2)(b) provided no contact information for any of the individuals present, and the investigation was unable to identify any of them.

Sgt. Guglielmo was interviewed for this complaint (**BRs 03, 04**). He stated that he had receive numerous 311 calls for complaints at 517 Longfellow Avenue in the Bronx. He recalled complaints of noise and of the street being blocked – he could not recall any other complaints. Sgt. Guglielmo had responded to this specific location hundreds of times for similar reasons. The calls sometimes happened six to seven times a night, every weekend for the majority of the year, in the summertime every day of the week.

On this particular day, Sgt. Guglielmo arrived at 517 Longfellow Avenue alone and observed a vehicle parked outside facing the wrong way on the street. He requested the license and registration from the driver on scene, and the driver refused to provide his information. The driver then refused to move his vehicle. Sgt. Guglielmo instructed an officer, he believed it was PO Conklin, to issue the driver a summons and to call a tow truck for the vehicle. The vehicle was then towed.

Sgt. Guglielmo had four BWC videos pertaining to this incident that were generally consistent with his statement. In the first video (**BRs 05, 06**), when Sgt. Guglielmo arrives on scene, a vehicle is visible parked the wrong way on the street. At 1:00, Sgt. Guglielmo asks the driver of the vehicle parked the wrong way for his license and registration, and the driver walks away from him. In Sgt. Guglielmo's second video (**BRs 07, 08**), at 1:24, officers are standing around the vehicle parked the wrong way. A tow truck is on scene. Sgt. Guglielmo's BWC videos are not entirely comprehensive – there are gaps between the four videos (his third and fourth videos are **BRs 09, 10** and **BRs 11, 12**). At no point is any conversation heard between Sgt. Guglielmo and the owner of the vehicle concerning whether or not he could have the car released without having it towed.

Vehicle Traffic Law 4-08.9(i) states that any illegally parked vehicle can be removed to a tow pound by the NYPD (**BR 25**). Section 4-08 (m) (1) states that parking the wrong way on a one-way roadway is a violation. Section (ix) states that the owner of the vehicle may stop the towing process if they (before the tow truck is in motion) pay a vehicle release penalty and show proof of ownership of the vehicle.

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Sergeant Louis Guglielmo threatened to arrest**

§ 87(2)(b)

**Allegation (C) Discourtesy: Sergeant Louis Guglielmo spoke discourteously to**

§ 87(2)(b)

§ 87(2)(b) (**BR 02**) stated that Sgt. Guglielmo arrived on scene and said, “Whose fucking cars are these?” As well as “Move your fucking cars” and “I’ll fucking tow them.”

In Sgt. Guglielmo's first BWC (**BRs 06, 07**), he is heard saying at 1:08, “This will go to the D.A.'s office when I put you under arrest” as well as “You got it, pal. I got plenty of fucking handcuffs.”

Sgt. Guglielmo (**BRs 03, 04**) stated that he issued a summons to the vehicle for being parked the wrong way on a one-way street. He threatened to arrest the driver because the driver was refusing to provide his information in order to be issued a summons and therefore could have been arrested for OGA or to be identified. He stated that he used the word “fucking” during the incident due to the heat of the moment. He described the incident as a “high stress” situation because the officers were outnumbered, and the civilians were upset. He added that at the time of the discourteous phrase, he was one of the only officers on scene, while there were over fifty civilians on scene. Sgt. Guglielmo stated that he has experience in using discourteous language in order for civilians to gain compliance or to deescalate a situation.

In Sgt. Guglielmo's first BWC (**BRs 06, 07**), at 1:00, Sgt. Guglielmo approaches a minivan parked the opposite direction on a one-way street and asks the driver for license, registration, and insurance. The driver walks away. There are approximately fifteen civilians inside of 517 Longfellow Avenue, but most appear to be ignoring Sgt. Guglielmo. Sgt. Guglielmo is holding a cup of coffee and standing next to PO Achnitz when he threatens to arrest the individual and says, “I got plenty of fucking handcuffs” (heard at 1:08). Sgt. Guglielmo is speaking calmly.

NYC Vehicle and Traffic Law 4-08 (m) (1) (**BR 34**) states that parking the wrong way on a one-way roadway is a violation.

NYPD Patrol Guide 209-09 (BR 26) states that officers, when issuing a summons returnable to the Traffic Violations Bureau or Criminal Court, are “In traffic cases, examine driver’s license, vehicle registration, and insurance identification card for vehicles registered in New York State” and are to “Remove violator to command for investigation if doubt concerning identity exists.”

Penal Law 195.05 (BR 35) states that a person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference.

§ 87(2)(g)

Patrol Guide Procedure 200-02 (BR 27) states that officers are committed to treating every citizen with compassion, courtesy, professionalism, and respect. Officers are expected to maintain a higher standard of integrity than is generally expected of others.

In DAO-DCT Case Number: 2017-17276 (BR 28) the court held that language which would ordinarily be inappropriate in dealing with civilians may be excused in the course of a violent and stressful confrontation.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b)
- Sgt. Guglielmo has been a member of service for twenty years and has been a subject of 16 CCRB cases and 38 allegations, two of which were substantiated.
  - 201708455 involved a stop allegation, that was unsubstantiated, and a retaliatory arrest allegation, which was substantiated. Sgt. Guglielmo received Command Discipline A as a penalty.
  - 202002623 involved a failure to provide a RTKA card, which was substantiated. The Board recommended Command Discipline A, and to date Sgt. Guglielmo has not yet received a penalty.

### Mediation, Civil, and Criminal Histories

- § 87(2)(g)
- On August 8, 2022, a FOIL request submitted to the Office of the Comptroller regarding any Notice of Claim pertaining to this incident returned with negative results (**BR 30**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 10

Investigator: Carter Garfield Inv. Carter Garfield 10/19/2022  
Signature Print Title & Name Date

Squad Leader: Maura R. Roche IM Maura R. Roche 10/19/2022  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date

CCRB Case # 202101666